

# ATTACHMENT 1

## AIRD & BERLIS LLP

Barristers and Solicitors

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April 28, 2015

BY EMAIL

Our File #107851

Ms. Kelly Matsumoto  
Legal Services  
City of Toronto  
26<sup>th</sup> Floor, Metro Hall  
55 John Street  
Toronto, ON M5V 3C6

Dear Ms. Matsumoto:

**Re: Ontario Municipal Board Appeals  
Applications for Rezoning and Official Plan Amendment  
Siteline 390 Dufferin Street Inc.  
430-444 Dufferin Street and 41 Alma Avenue  
City of Toronto  
OMB Case No.: PL140271**

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We act on behalf of Siteline 390 Dufferin Street Inc. ("Siteline"). Commencing June 15, 2015, the Ontario Municipal Board (the "Board") will conduct a hearing of our client's appeals respecting the above-noted applications. On behalf of our client, we are writing to set out the terms of an offer, made on a with prejudice basis, for the settlement of the above-noted appeals. Our client intends to proceed to the hearing on the basis of the following proposal, and proposes that the City and Siteline agree to jointly support a settlement at the Board hearing of the appeals on the terms set out below:

1. The development shall be split into two development blocks which will be separated by a future public street located opposite Alma Avenue. The future public street shall have a right-of-way width of 18.5 m.
2. The development block north of the future public street shall contain one building, referred to herein as Building C.
3. Building C shall contain a minimum of 5,550 m<sup>2</sup> of non-residential gross floor area (workspace) and may also contain up to 4,150 m<sup>2</sup> of residential gross floor area.
4. Building C shall contain a maximum of 8 storeys (plus a partial residential mezzanine between the first and second storeys), a maximum height of 34.4 m to

- the top of the residential and work space and a maximum height of 36.5 m to the top of the mechanical penthouse.
5. Building C shall contain approximately 41 dwelling units, a minimum of 62 m<sup>2</sup> of indoor and 46 m<sup>2</sup> of outdoor amenity space, 1 type G, 1 type B and 2 type C loading spaces and 63 parking spaces of which a minimum of 36 shall be for the shared use of visitors and the workspace.
  6. The development block south of the future public street shall contain two buildings referred to below as Building A (located at the south end of the southern block) and Building B (located at the north end of the southern block).
  7. Building B shall contain a maximum residential gross floor area of 13,150 m<sup>2</sup> including up to 350 m<sup>2</sup> of ground floor residential gross floor area used for live-work uses.
  8. Building B shall contain a maximum of 8 storeys (plus a partial residential mezzanine between the first and second storeys), a maximum height of 27.9 m to the top of the residential space and a maximum height of 33.9 m to the top of the mechanical penthouse.
  9. Building B shall contain approximately 178 dwelling units and a minimum of 178 m<sup>2</sup> indoor and 180 m<sup>2</sup> outdoor amenity space.
  10. Building A shall contain a maximum residential gross floor area of 12,750 m<sup>2</sup> including up to 170 m<sup>2</sup> of ground floor residential gross floor area used for the live-work uses.
  11. Building A shall contain a maximum of 12 storeys (plus a partial residential mezzanine between the first and second storeys), a maximum height of 39.6 m to the top of the residential space and a maximum height of 45.3 m to the top of the mechanical penthouse.
  12. Building A shall contain approximately 150 dwelling units, a minimum of 326 m<sup>2</sup> indoor and 150 m<sup>2</sup> outdoor amenity space and 1 type G loading space shared with Building B.
  13. The parking levels below Buildings A and B shall contain a minimum of 218 parking spaces of which a minimum of 32 shall be dedicated to visitors to the residential space and workspace in Buildings A, B and C.
  14. A minimum of 398 bicycle parking spaces shall be provided on the lot.

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15. Buildings A, B and C shall be constructed within the building envelopes and angular planes depicted on the Diagrammatic Sections and Floor Plans attached to this offer as Attachment 1.
16. If development proceeds in phases, then Building C, including the 5,550 m<sup>2</sup> of work space, shall be included in the first phase.
17. The City and Siteline shall ask the Ontario Municipal Board to withhold its final Order until advised by the City Solicitor that a satisfactory Section 37 Agreement has been entered into securing the public benefits described in Attachment 2 to this offer.
18. The City and Siteline will work together to finalize an acceptable form of the Official Plan Amendment and Zoning By-law Amendment prior to the hearing.
19. If the subject appeals, as amended herein, are allowed by the Board, the City and Siteline will jointly ask the panel of the Board seized with the appeals in respect of OPA 231 to modify OPA 231 in a manner consistent with the Board's decision in respect of the subject appeals.

This offer is provided at this time in the hope that it may be presented to City Council for consideration at its meeting commencing May 5, 2015.

A copy of this letter is also being provided to Mr. Charles Campbell, the representative for Active 18 Community Organization, which is also a party to these appeals and to the two registered participants: Jeannie Stiglic and R.J. Fleck. You may also share this offer with any other interested stakeholders.

Yours truly,

AIRD & BERLIS LLP



Kim M. Kovar  
KMK/mn

cc: Client  
Sara Phipps  
Charles Campbell  
Jeannie Stiglic  
R.J. Fleck

**ATTACHMENT 2**

1. Siteline will provide a minimum of 5,550m<sup>2</sup> of non-residential gross floor area in Building C to be used as workspace.
2. Siteline will enter into a 10 year lease with the City for approximately 1,250m<sup>2</sup> of workspace on the ground and second storeys of Building C, to be used by the City to establish a small business incubation centre in the building.
3. Siteline consents to the City subleasing the work space to qualified not-for-profit partners or a post-secondary institution that will operate the space and deliver the small business incubation programming.
4. For the first 5 years of the 10 year lease term the City shall pay rent at a rate of \$5/ft<sup>2</sup> plus T.M.I. and for the second 5 years of the 10 year lease term the City shall pay rent at a rate of \$10/ft<sup>2</sup> plus T.M.I.
5. The City shall have the opportunity to renew the lease at the end of the 10 year term at market rental rates.
6. The rent subsidy offered herein, being the difference between the above referenced discounted rental rates and current market rental rates for comparable space in the area, currently \$18/ft<sup>2</sup> in the subject building, represents a portion of Siteline's s. 37 contribution which portion shall be accrued by the City over the 10 year lease term.
7. The balance of the s. 37 contribution, bringing the total value of the contribution to \$2,045,000.00, shall be paid in two equal instalments with one payable prior to issuance of the first above grade building permit for Building A and the other payable prior to the issuance of the first above grade building permit for Building B. These funds shall be used by the City for public benefits in the vicinity of the site at the discretion of City Council.
8. The City shall provide an appraisal of the leased space to determine the market rental rate for the purposes of the final calculation of the rent subsidy. If the City and Siteline are unable to agree on the value of the market rental rate both parties shall appoint a mutually agreeable third party appraiser whose appraisal shall be binding for the purpose of determining the applicable market rental rate.
9. Siteline shall finish the leased work space to base condition which shall include concrete floors, electrical, HVAC, plumbing and fire services entering the space, a finished washroom but otherwise no partitioning or dry-wall.
10. A minimum of 10% of the dwelling units on the lot shall contain at least three bedrooms meeting the definition of bedroom in the Ontario Building Code.

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**ATTACHMENT 1**

**Quadrangle**

# Queen and Dufferin

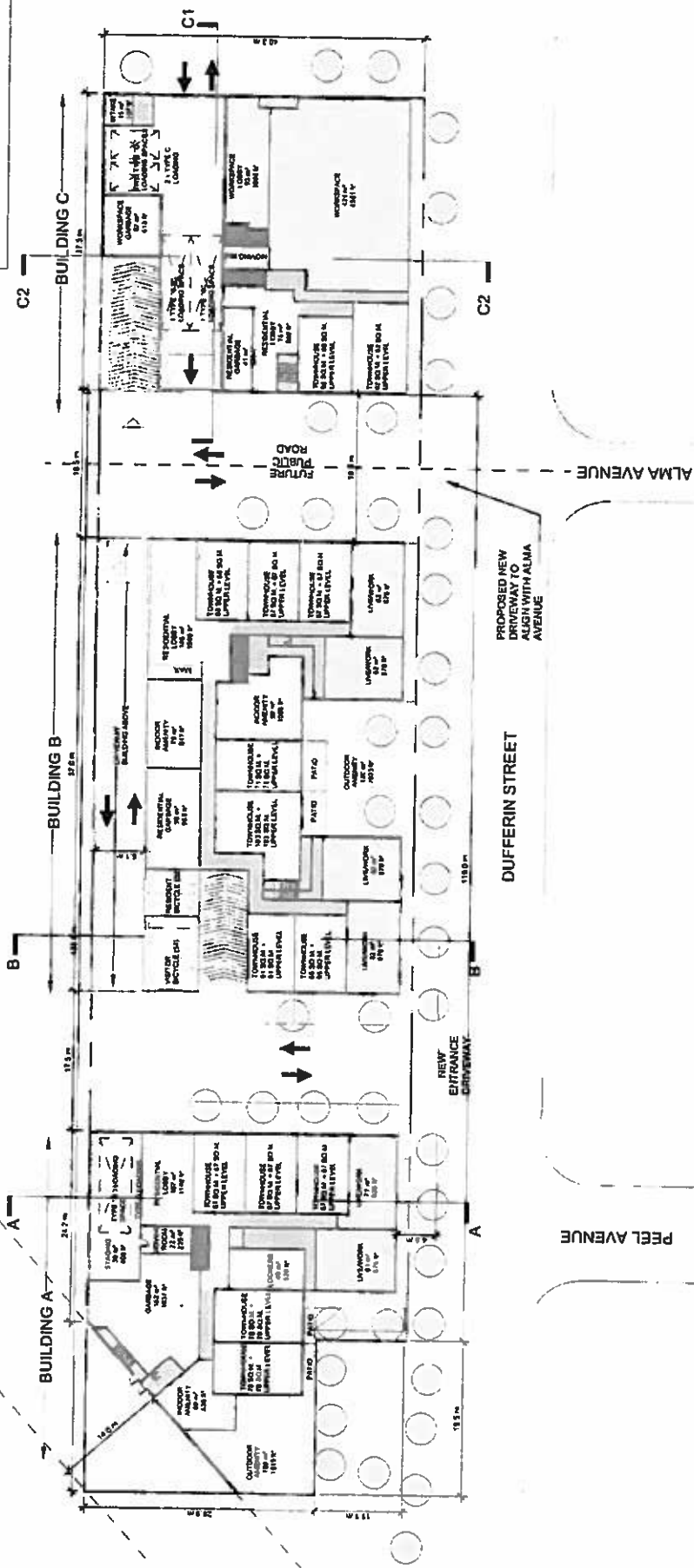
Toronto, Ontario

The SiteLine Group

April 2015

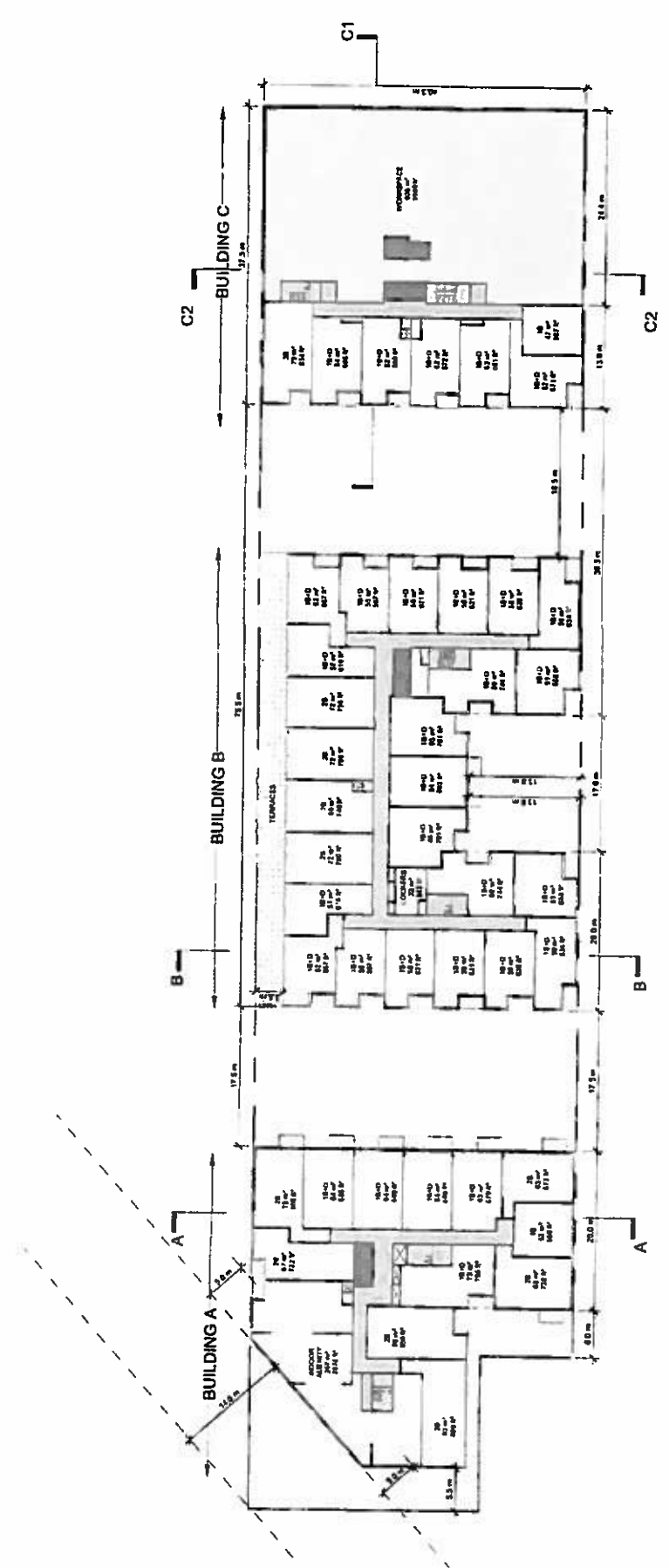
t 416 598 1240  
www.quadrangle.ca  
Quadrangle Architects Limited  
901 King Street West, Suite 701  
Toronto, ON M5V 3H5

LEGEND	
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[Pattern]	LOBBY
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 Project No. 14035

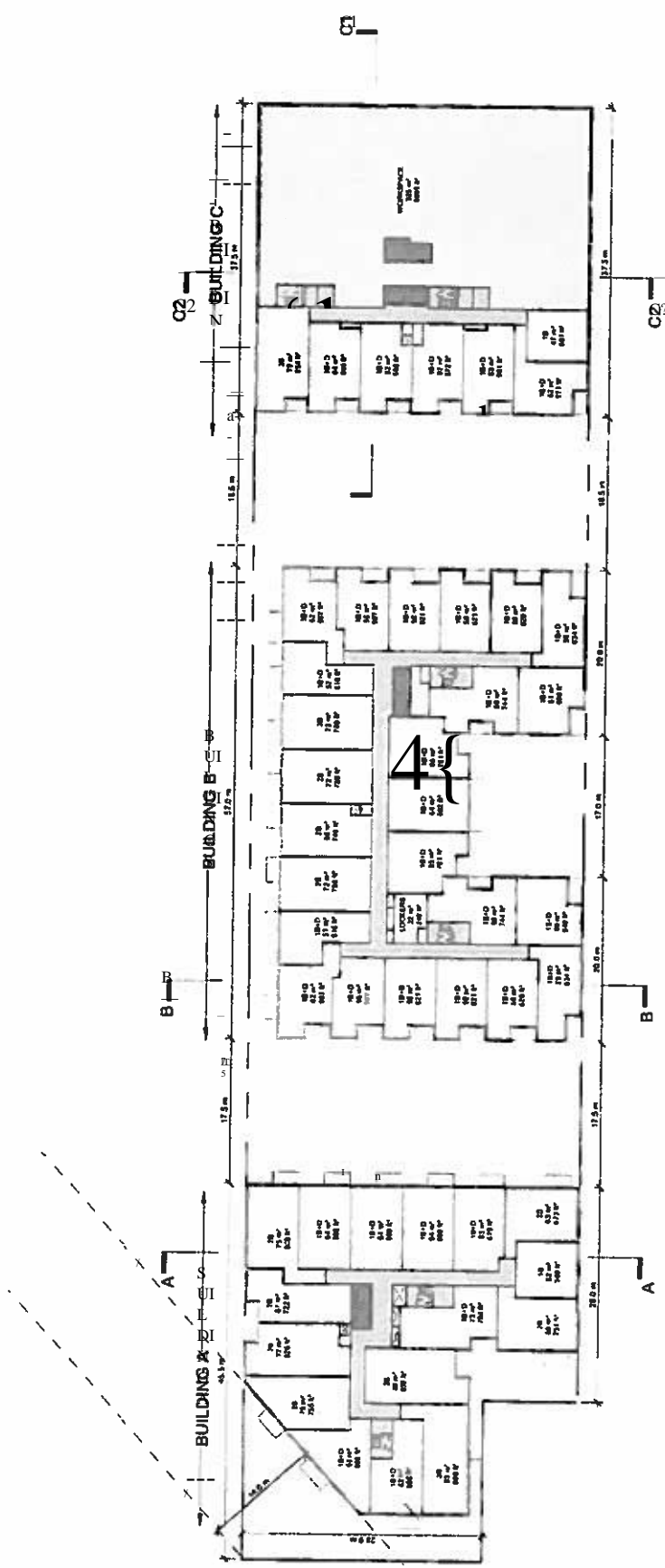
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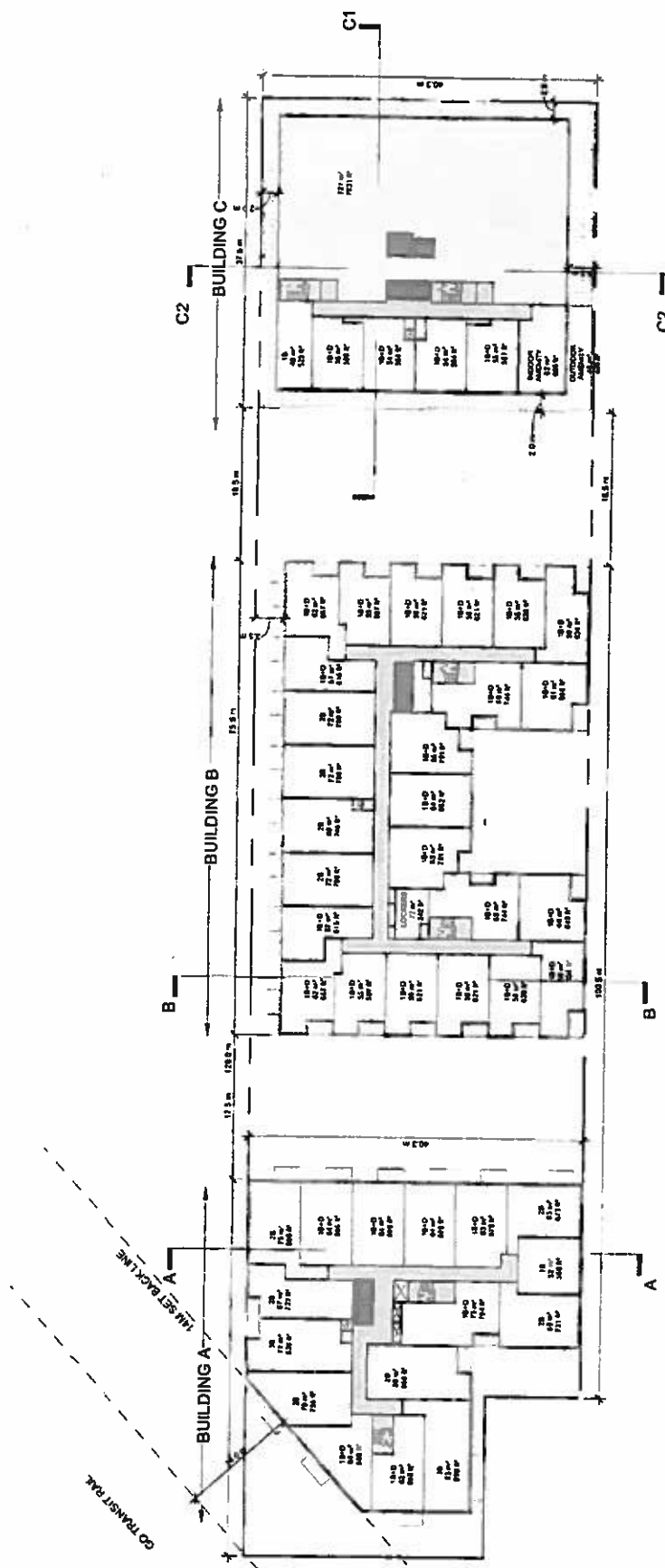


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Level 3+4 Plan  
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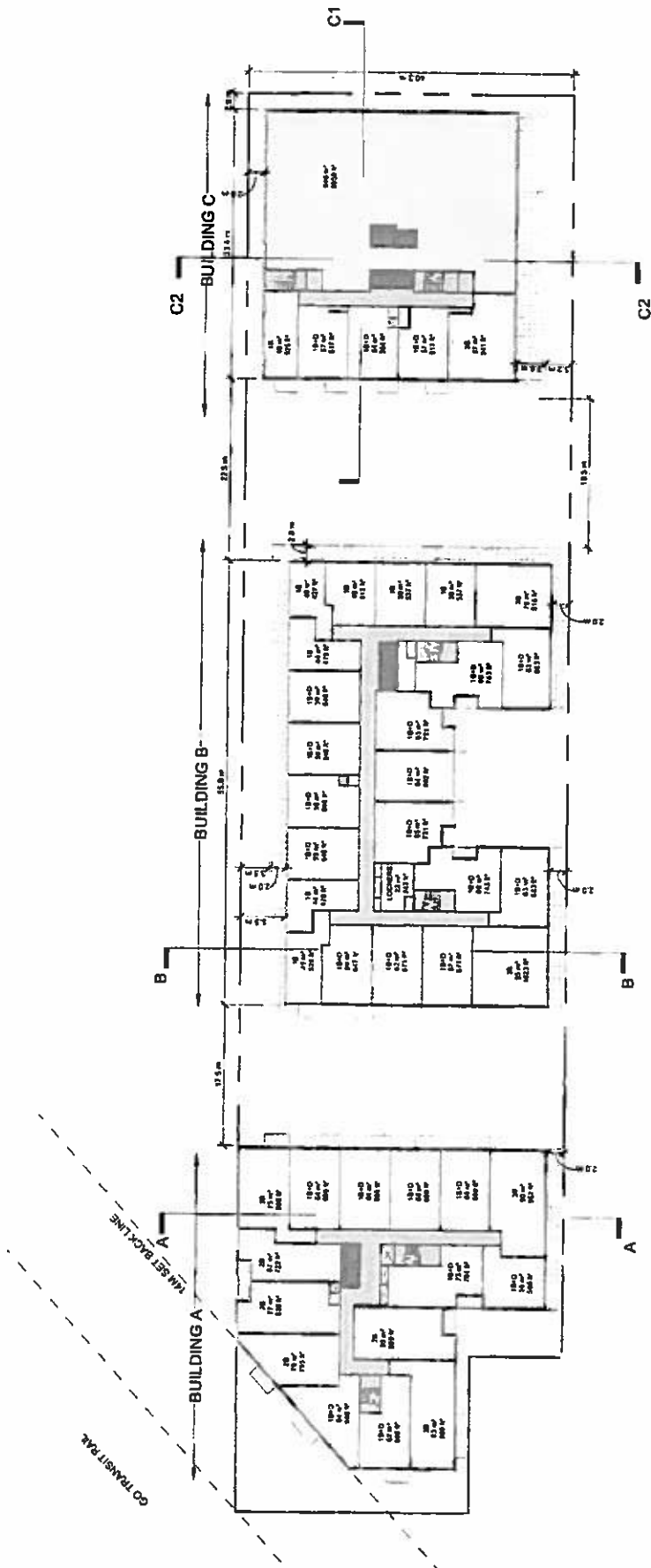




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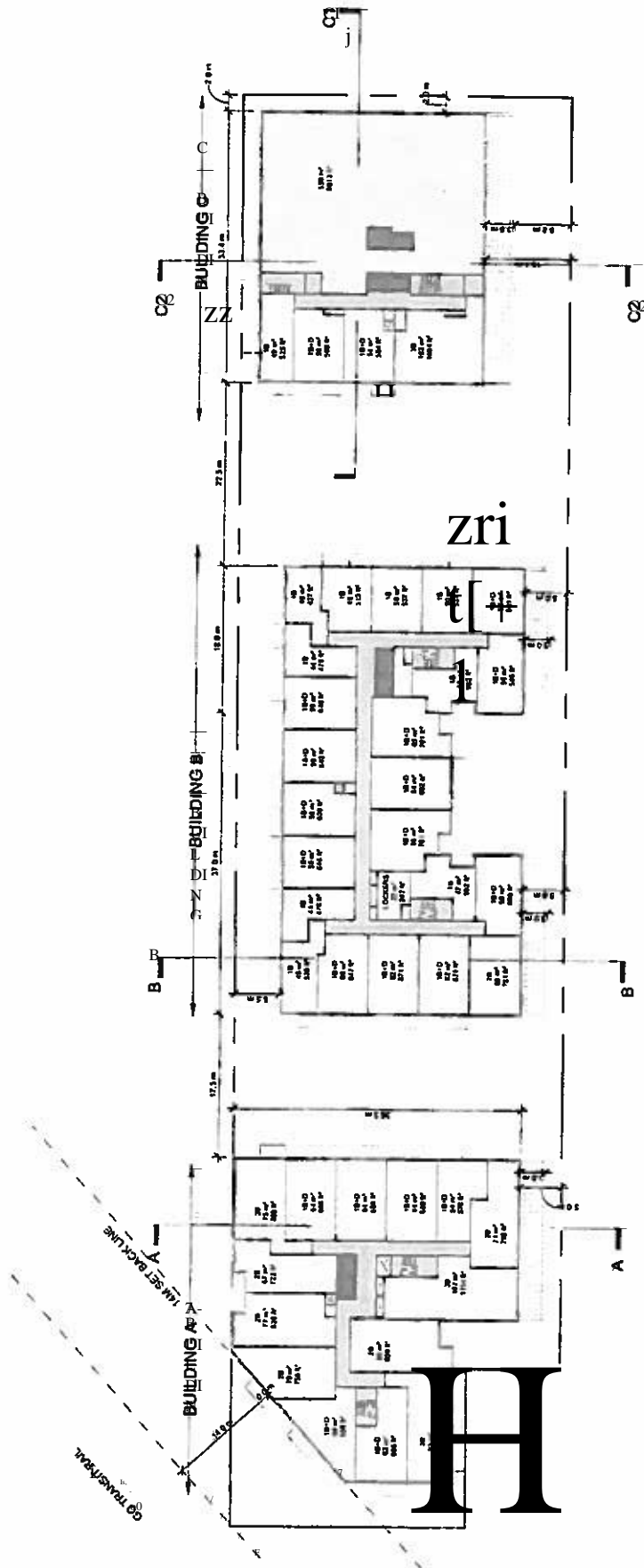
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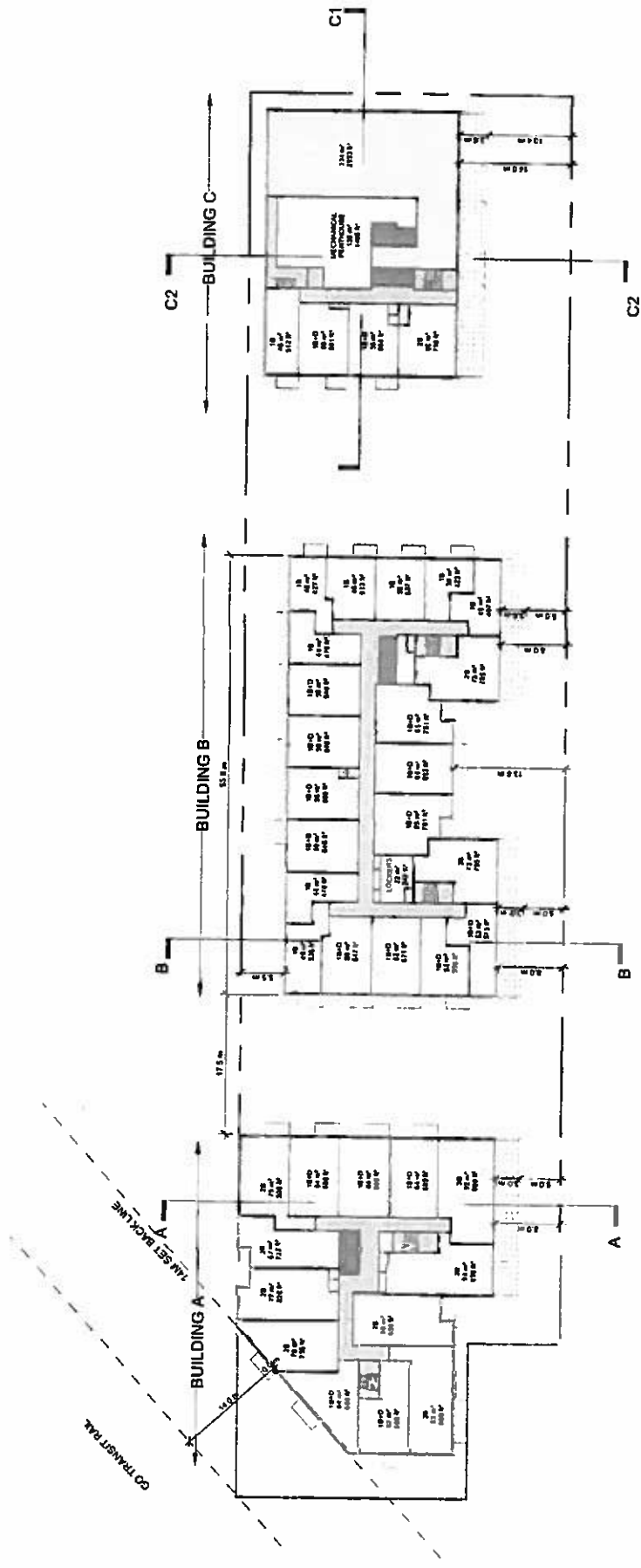
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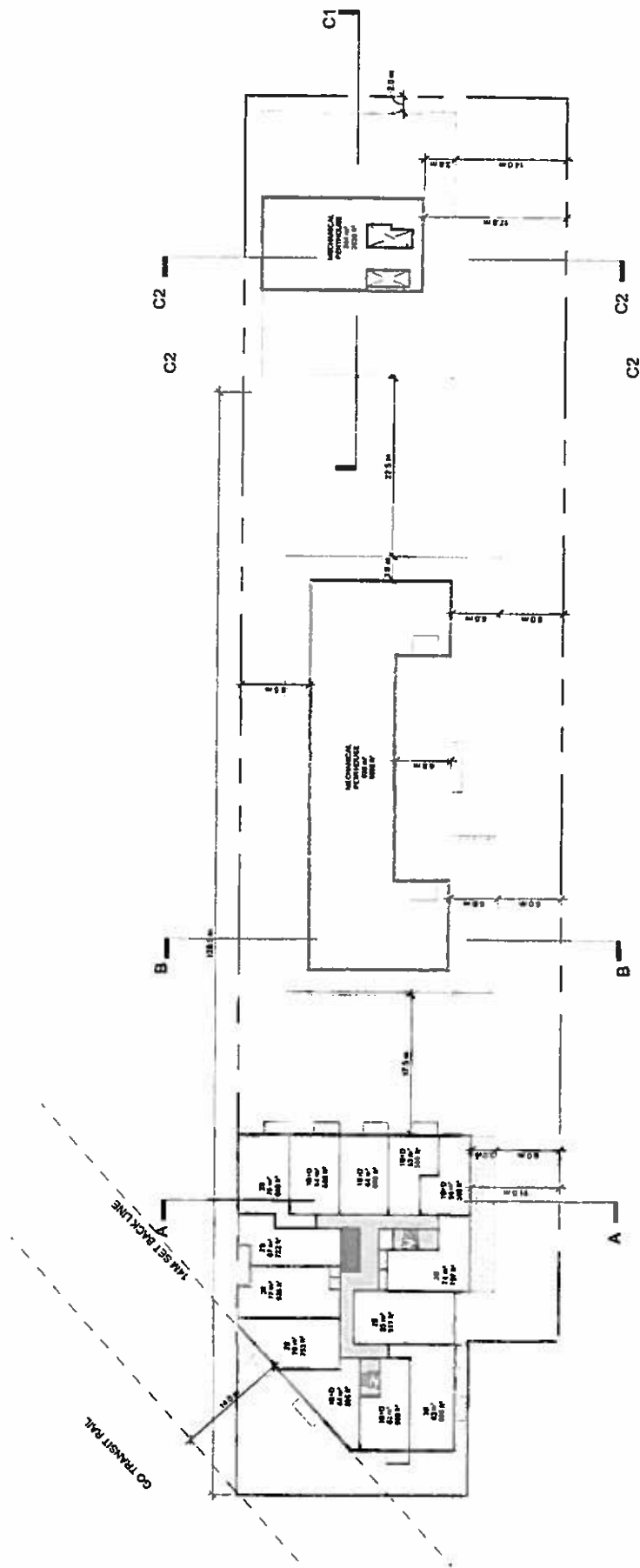
**Level 7 Plans**  
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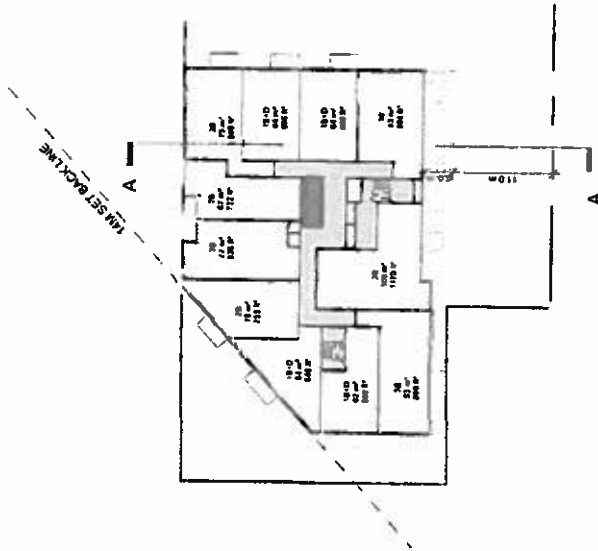




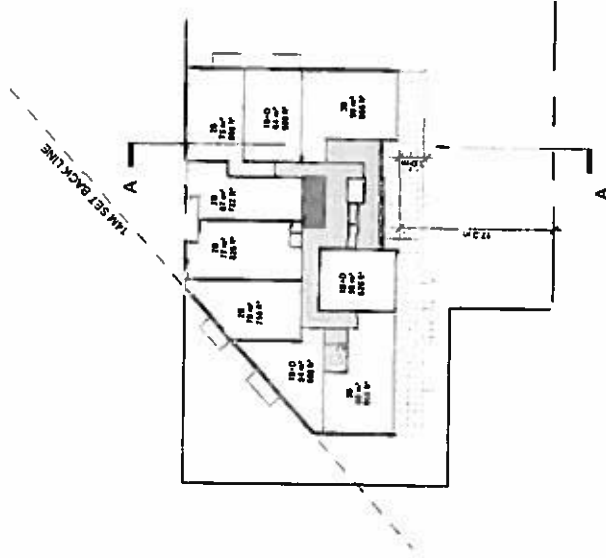
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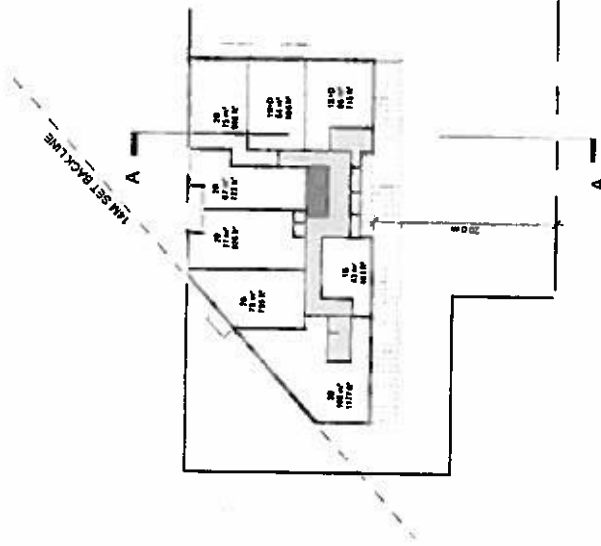
Level 9 Plan  
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BUILDING A LEVEL 10 FLOOR PLAN



BUILDING A LEVEL 11 FLOOR PLAN



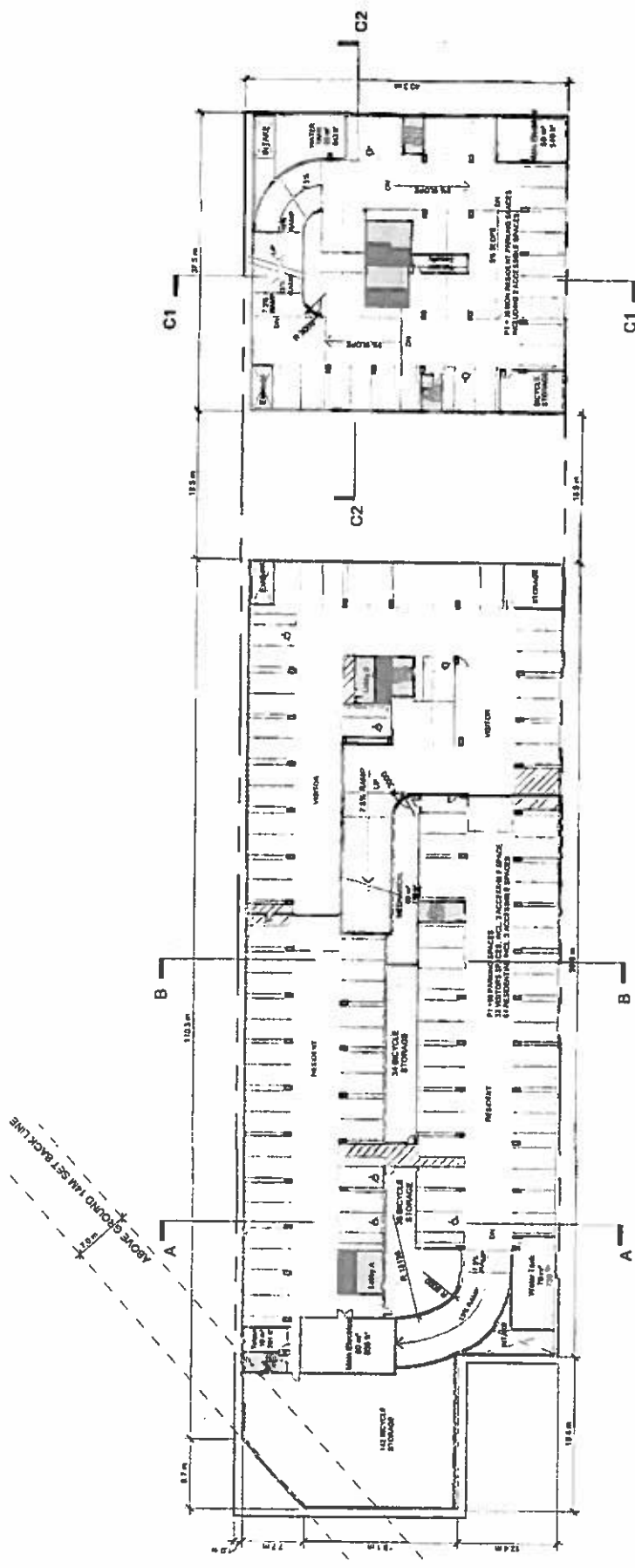
BUILDING A LEVEL 12 FLOOR PLAN

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Building A Level 10-12 Plan





P1 Underground

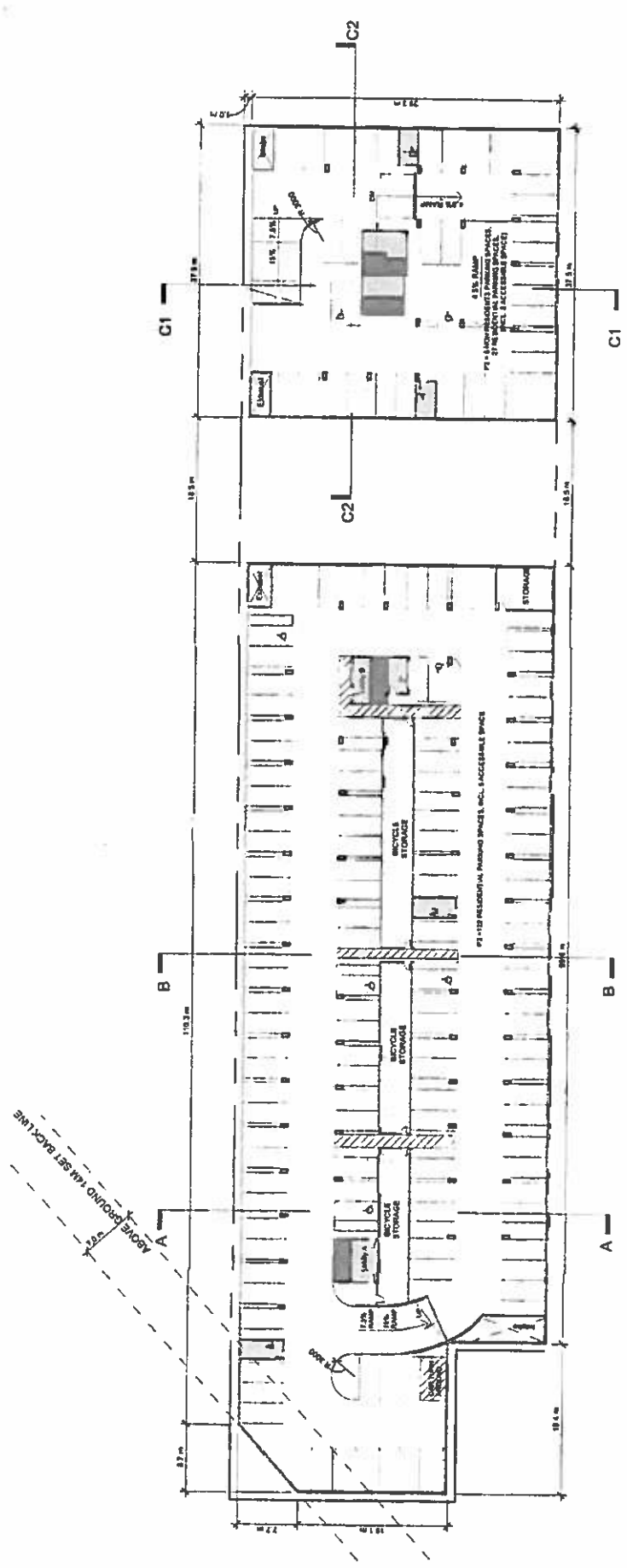
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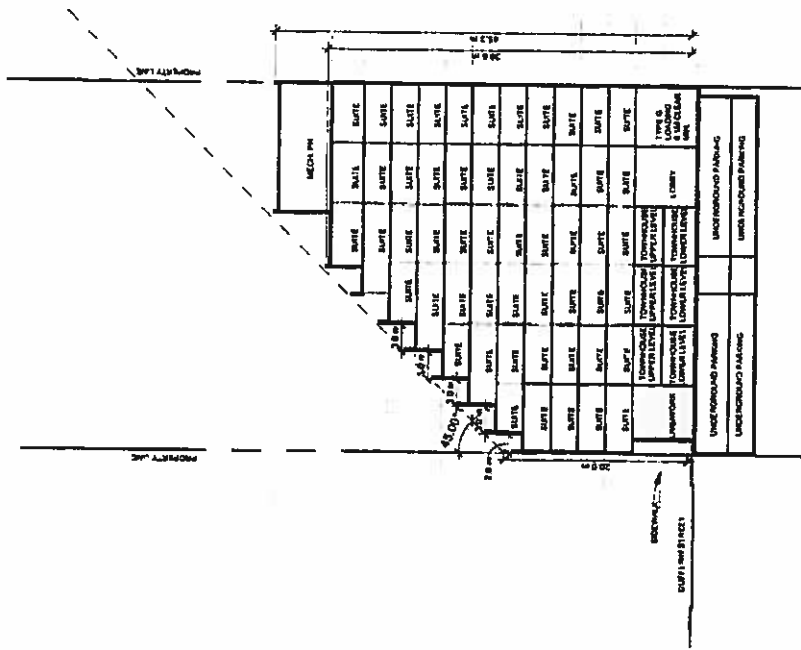


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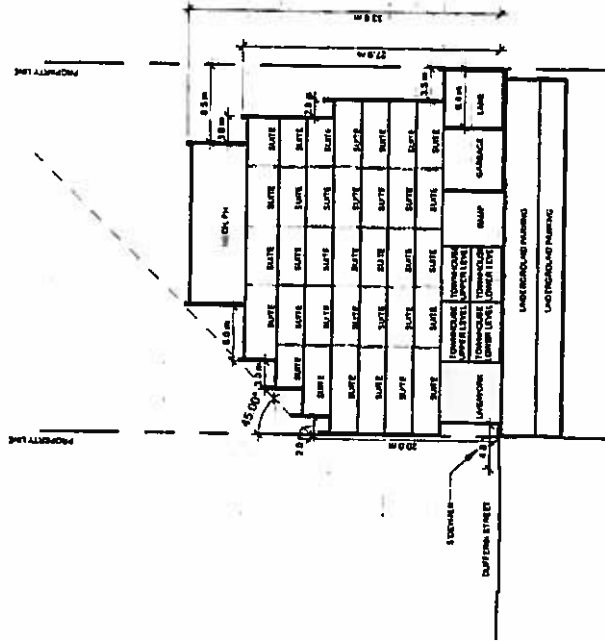
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BUILDING A SECTION



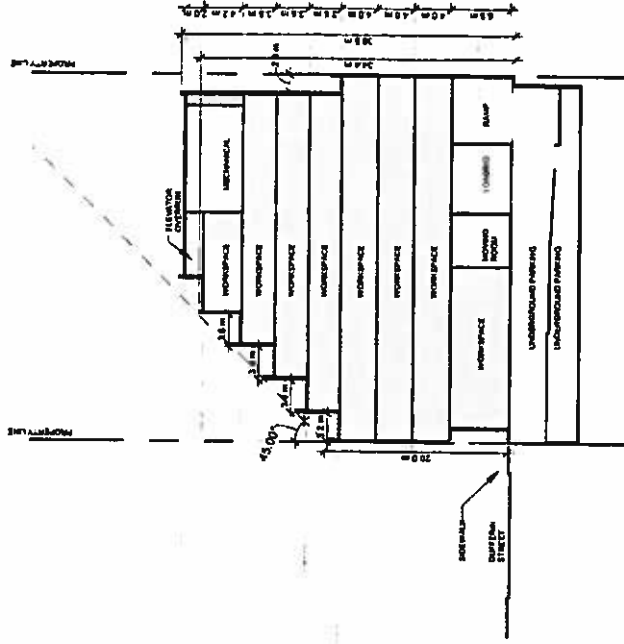
BUILDING B SECTION

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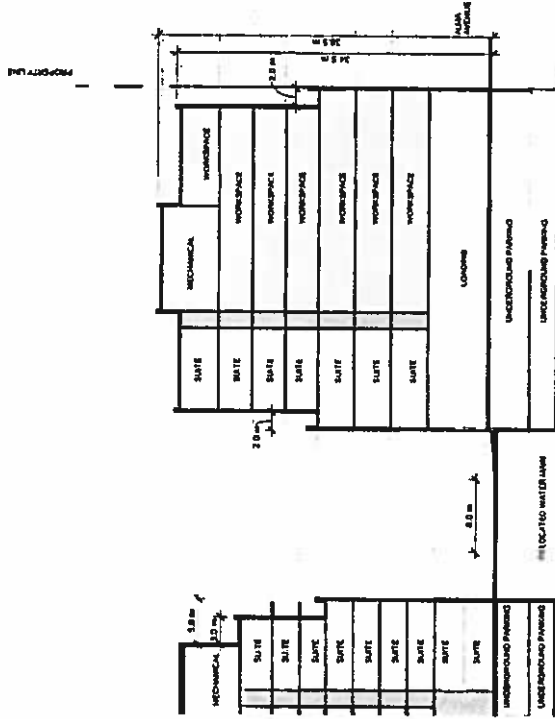
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Building A & B Diagrammatic Section





BUILDING C EAST WEST SECTION



BUILDING C AND PARTIAL BUILDING B NORTH SOUTH SECTION

Building C Diagrammatic Section



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**FORM & AREA**

Level	Horizontal Area (sqm)			Use/Notes	Remarks (External)
	Building A	Building B	Building C		
Level 1	897 sqm	11,779 sqm	722 sqm	4,118 sqm	117 sqm
Level 2	1,053 sqm	112,206 sqm	142 sqm	898 sqm	117 sqm
Level 3	1,209 sqm	7,218 sqm	155 sqm	326 sqm	426 sqm
Level 4	1,209 sqm	1,718 sqm	175 sqm	175 sqm	175 sqm
Level 5	1,209 sqm	1,718 sqm	285 sqm	285 sqm	277 sqm
Level 6	1,209 sqm	1,718 sqm	317 sqm	317 sqm	317 sqm
Level 7	1,209 sqm	1,718 sqm	317 sqm	317 sqm	317 sqm
Level 8	978 sqm	1,041 sqm	317 sqm	317 sqm	317 sqm
Level 9	711 sqm	1,041 sqm	317 sqm	317 sqm	317 sqm
Level 10	711 sqm	1,041 sqm	317 sqm	317 sqm	317 sqm
Level 11	669 sqm	1,041 sqm	317 sqm	317 sqm	317 sqm
Level 12	669 sqm	1,041 sqm	317 sqm	317 sqm	317 sqm
<b>SUB-TOTAL</b>	<b>13,599 sqm</b>	<b>15,779 sqm</b>	<b>4,118 sqm</b>	<b>488 sqm</b>	<b>5,261 sqm</b>
<b>TOTAL AREA *</b>	<b>29,807 sqm</b>	<b>112,206 sqm</b>	<b>64,866 sqm</b>	<b>5,261 sqm</b>	<b>152,940 sqm</b>
UNF/UNUSE *	496 sqm	5,231 sqm	58,459 sqm		
<b>TOTAL AREA **</b>	<b>29,311 sqm</b>	<b>107,035 sqm</b>	<b>64,277 sqm</b>		<b>152,940 sqm</b>

Number of Subsections for GRN in area being surveyed. GRN is contained  
 G.P. dimensions include an additional area reserved for future use of temporary seating, walkways, etc., measured along the perimeter  
 of the site boundary (including the surrounding building footprints, site and any other of defined areas for temporary parking (including GRN))

**FR CALCULATION**

FR Area *	6,278 sqm
Area for FR Calculation *	11,518 sqm
FR	5.2

**MECHANICAL UNIT CALCULATION**

Building A	10			10	10	10	10	Total
	10	10	10					
Level 1	1	1	1	1	1	1	1	7
Level 2	1	1	1	1	1	1	1	4
Level 3	1	1	1	1	1	1	1	4
Level 4	1	1	1	1	1	1	1	4
Level 5	1	1	1	1	1	1	1	4
Level 6	1	1	1	1	1	1	1	4
Level 7	1	1	1	1	1	1	1	4
Level 8	1	1	1	1	1	1	1	4
Level 9	1	1	1	1	1	1	1	4
Level 10	1	1	1	1	1	1	1	4
Level 11	1	1	1	1	1	1	1	4
Level 12	1	1	1	1	1	1	1	4
<b>TOTAL BUILDING A *</b>	<b>12</b>	<b>12</b>	<b>12</b>	<b>12</b>	<b>12</b>	<b>12</b>	<b>12</b>	<b>72</b>

Building B	10			10	10	10	10	Total
	10	10	10					
Level 1	11	4	4	4	4	4	4	11
Level 2	11	4	4	4	4	4	4	11
Level 3	11	4	4	4	4	4	4	11
Level 4	11	4	4	4	4	4	4	11
Level 5	7	1	1	1	1	1	1	7
Level 6	9	1	1	1	1	1	1	9
Level 7	11	4	4	4	4	4	4	11
Level 8	11	4	4	4	4	4	4	11
Level 9	11	4	4	4	4	4	4	11
Level 10	11	4	4	4	4	4	4	11
Level 11	11	4	4	4	4	4	4	11
Level 12	11	4	4	4	4	4	4	11
<b>TOTAL BUILDING B *</b>	<b>125</b>	<b>41</b>	<b>41</b>	<b>41</b>	<b>41</b>	<b>41</b>	<b>41</b>	<b>418</b>

Building C	10			10	10	10	10	Total
	10	10	10					
Level 1	1	1	1	1	1	1	1	7
Level 2	1	1	1	1	1	1	1	4
Level 3	1	1	1	1	1	1	1	4
Level 4	1	1	1	1	1	1	1	4
Level 5	1	1	1	1	1	1	1	4
Level 6	1	1	1	1	1	1	1	4
Level 7	1	1	1	1	1	1	1	4
Level 8	1	1	1	1	1	1	1	4
Level 9	1	1	1	1	1	1	1	4
Level 10	1	1	1	1	1	1	1	4
Level 11	1	1	1	1	1	1	1	4
Level 12	1	1	1	1	1	1	1	4
<b>TOTAL BUILDING C *</b>	<b>41</b>	<b>41</b>	<b>41</b>	<b>41</b>	<b>41</b>	<b>41</b>	<b>41</b>	<b>162</b>

TOTAL BUILDINGS			
10	10	10	10
12	125	41	162
Percentage	7%	15%	27%
TOTAL	169	169	169

**ASSEMBLY**

Assembly	Capacity
Building A	100
Building B	100
Building C	100
<b>TOTAL</b>	<b>300</b>

**LOADING SPACES DISTRIBUTION**

Type of Loading Space	Area of Loading Space
TYPE A	150 sqm
TYPE B	150 sqm
TYPE C	150 sqm
<b>TOTAL</b>	<b>450 sqm</b>

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Statistics